

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN G. KRAJACIC,

Plaintiff,

v.

THE UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 2:21-cv-00698-GMN-EJY

REPORT AND RECOMMENDATION

Re: ECF No. 1-1

On August 20, 2021, the Court entered an Order to Show Cause (“OSC”) arising from Plaintiff’s continued failure to submit an *in forma pauperis* application (an “IFP application”) or pay the filing fee associated with his April 27, 2021 Complaint. ECF No. 4.¹ The OSC advised Plaintiff to respond and show cause no later than September 3, 2021 why his case should not be dismissed. As of the date below, Plaintiff has not responded to the OSC.

Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff’s Complaint be dismissed without prejudice and the matter closed.

DATED THIS 7th day of September, 2021.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

¹ The August 20th Order explained that Plaintiff failed to comply with the Court’s May 3, 2021 Order (ECF No. 3) requiring payment of the filing fee or submission of an IFP application by June 7, 2021.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).